

AMENDED IN ASSEMBLY MAY 5, 2003

AMENDED IN ASSEMBLY APRIL 21, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 878

Introduced by Assembly Member Pavley

February 20, 2003

An act to amend Sections 6055, ~~6060~~, 6077.5.5, 6077.6, and 6084 of the Harbors and Navigation Code, relating to harbor districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 878, as amended, Pavley. Harbor districts.

(1) Existing law contains various provisions relating to the creation of a harbor commission for each harbor district and the election, terms, ~~salary~~, and powers of harbor commissioners.

This bill would make changes to commissioners' titles, ~~salaries~~, and authority over certain land and funds.

(2) Existing law authorizes the Oxnard Harbor District, under specified circumstances, to acquire, purchase, take over, construct, maintain, operate, develop, and regulate airports and roads.

This bill would authorize the Oxnard Harbor District to additionally exercise those options, under those circumstances, for energy related facilities.

(3) Existing law authorizes a harbor district to order by resolution that all or any of the funds under its control and not necessary for current operating expenses be invested in obligations, bonds, or securities of the United States of America or of any agency or instrumentality thereof.

This bill would instead authorize those funds to be invested as specified.

(4) Existing law authorizes the board of a harbor district, for the purposes of acquiring land for, and constructing or operating, a work, project, or facility authorized under specified law, to borrow up to \$1,000,000 by issuance of a promissory note, or to execute a conditional sales contract to purchase personal property with a value up to \$1,000,000. Existing law prohibits the borrowing term from exceeding 5 years. This provision does not apply to money borrowed from an agency or department of the United States government or the State of California.

This bill would increase the maximum borrowing amount and conditional sales contract value to \$5,000,000 and would increase the borrowing term to 10 years.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6055 of the Harbors and Navigation
2 Code is amended to read:

3 6055. The commissioners elected at the first election shall,
4 within 10 days from the date of the canvass of the returns of the
5 election, enter upon the duties of office. Before entering upon the
6 duties of his or her office, each commissioner shall take and
7 subscribe the official oath before the secretary or an officer
8 authorized by law to administer oaths and shall file it with the
9 county elections official of the county in which the district is
10 situated.

11 They shall elect one of their number as president or chair person
12 and one of their number as secretary. The president or chair person
13 and secretary shall serve ~~during~~ at the pleasure of the board.

14 ~~SEC. 2.—Section 6060 of the Harbors and Navigation Code is~~
15 ~~amended to read:~~

16 ~~6060.—The commissioners shall serve without salary until the~~
17 ~~yearly gross income of the district, exclusive of taxes levied by the~~
18 ~~district, exceeds twenty thousand dollars (\$20,000) per year, at~~
19 ~~which time the board may, by ordinance, fix their salaries at a level~~
20 ~~that may not exceed six hundred dollars (\$600) per month each.~~
21 ~~When the yearly gross income of the district, exclusive of taxes~~

1 ~~levied by the district, exceeds two million dollars (\$2,000,000) per~~
2 ~~year, the board may, by ordinance, fix their salaries at a level that~~
3 ~~may not exceed one thousand dollars (\$1,000) per month each.~~

4 ~~In addition to a salary received pursuant to this section, the~~
5 ~~commissioners shall be allowed all actual and necessary expenses~~
6 ~~incurred in the performance of their duties.~~

7 ~~SEC. 3.~~

8 *SEC. 2.* Section 6077.5.5 of the Harbors and Navigation Code
9 is amended to read:

10 6077.5.5. Notwithstanding any other provision of this part,
11 the Oxnard Harbor District may acquire, purchase, take over,
12 construct, maintain, operate, develop, and regulate airports,
13 energy related facilities, and roads with the prior consent of each
14 district, port, city, or county in which the lands are located.

15 ~~SEC. 4.~~

16 *SEC. 3.* Section 6077.6 of the Harbors and Navigation Code
17 is amended to read:

18 6077.6. A harbor district may by resolution order that all or
19 any of the funds under its control and not necessary for current
20 operating expenses be invested in accordance with Section 53601
21 of the Government Code.

22 ~~SEC. 5.~~

23 *SEC. 4.* Section 6084 of the Harbors and Navigation Code is
24 amended to read:

25 6084. (a) (1) Notwithstanding any other provision of this
26 part, the board may borrow money by issuance of a promissory
27 note, or the board may execute a conditional sales contract to
28 purchase personal property, in an amount or of a value not
29 exceeding in the aggregate at one time the sum of five million
30 dollars (\$5,000,000) for the purposes of acquiring land for and
31 constructing or operating a work, project, or facility authorized by
32 subdivision (d) of Section 6012 or Section 6075 or for the making
33 of improvements or the purchase of equipment or for the
34 maintenance thereof.

35 (2) The board may not borrow money pursuant to this section
36 for a term exceeding 10 years, and the indebtednesses may not
37 incur a rate of interest in excess of 12 percent per annum. The
38 indebtedness shall be authorized by a resolution of the board of
39 commissioners adopted by a two-thirds vote of the members of the
40 board.

1 (3) As a condition precedent to the borrowing of money or the
2 execution of a conditional sales contract, as provided in this
3 section, in excess of one hundred thousand dollars (\$100,000), the
4 board shall first, by a two-thirds vote, approve by resolution and
5 have on file a report on the engineering and economic feasibility
6 relating to the project contemplated for the expenditure of the
7 borrowed money or conditional sales contract. The feasibility
8 report shall be prepared and signed by an engineer or engineers
9 licensed and registered under the laws of the State of California.
10 (4) The district shall budget and, upon the vote of two-thirds of
11 the qualified voters within the district, may levy and collect taxes
12 and pay for all indebtedness without limitation by any other
13 provision of this part.
14 (b) Subdivision (a) does not apply to money borrowed from an
15 agency or department of the United States government or of the
16 State of California.

